

From: Seneca, Roy [Seneca.Roy@epa.gov]
Sent: 5/26/2016 1:11:31 PM
To: R3 EVERYONE [R3_EVERYONE@epa.gov]; Kline, James [Kline.James@epa.gov]; Gold, Anne [Gold.Anne@epa.gov]; Vowell, Natalie [Vowell.Natalie@epa.gov]; Johnson, Larry-C [Johnson.Larry-C@epa.gov]
Subject: EPA Mid-Atlantic Region Headlines -- Thursday, May 25, 2016

EPA Mid-Atlantic Region Headlines

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***** DAILY HOT LIST *****

Federal health review calls compounds in Dimock water a concern

PITTSBURGH POST-GAZETTE Levels of contaminants found in more than two dozen water wells in Dimock Township, Susquehanna County, in 2012 were high enough to affect residents' health, create a physical hazard or otherwise "make the water unsuitable for drinking" in its raw state, a federal health agency reported Tuesday. The Agency for Toxic Substances and Disease Registry [released the report](#) after reviewing water sampling data collected four years ago by the U.S. Environmental Protection Agency during a high-profile investigation into groundwater contamination in the northeastern Pennsylvania community that was a focus of early Marcellus Shale development. The health agency did not define the source of the contamination and it evaluated the wells for chemicals whether they occur naturally, are man-made or are influenced by human activities. The analysis comes long after the EPA ended its investigation in Dimock, which is in the northeast corner of the state, by concluding that it did not need to take any further action after it found that water in all but five of the 64 wells it sampled was safe to drink and the others could be treated to safe levels. The new report is likely to stir up concerns in a section of the community where state environmental regulators have, since April 2010, forbidden Texas-based Cabot Oil and Gas Corp. from drilling new gas wells until the water quality returns to pre-drilling conditions in 18 wells that the Pennsylvania Department of Environmental Protection says were contaminated by methane and metals related to Cabot's gas wells... Some Dimock residents said the new report leaves them with more unanswered questions. Victoria Switzer said her household stopped drinking any water from the tap in 2009, "so part of me feels relieved that I didn't just say, 'Oh well, we'll drink the water.'" "I have concern for people who have been drinking the water but shouldn't be," she added. "But my main concern is, now what?"

EPA chief call Pennsylvania's lagging Bay cleanup "discouraging"

CHESAPEAKE BAY JOURNAL McCarthy vows to contact US Department of Agriculture to get more funding for region's conservation efforts. Environmental Protection Agency Administrator Gina McCarthy acknowledged Wednesday that Pennsylvania had not done enough to control pollution flowing into the Chesapeake Bay, and said that her agency needed to coordinate with agriculture officials to change the course. Pennsylvania's lack of progress is "discouraging at the very least," McCarthy told hundreds of environmental activists, government officials and foundation leaders attending the Choose Clean Water Coalition conference in Annapolis. "I need to talk to the USDA as well," she added, to applause, "because there is work that needs to be done." EPA officials and the states involved in the Bay cleanup have known for years that Pennsylvania lagged behind. But a report released last June showed the Keystone State would need to double the number of farm acres under nutrient management and plant seven times as many acres of forest and grass buffers as it did in 2014 to meet its interim reduction targets under EPA's Total Maximum Daily Load pollution diet. Pennsylvania contributes a large share of the pollution loads to the Chesapeake Bay, and agriculture is the bulk of that. The state has 35,000 farms in the Potomac and Susquehanna watersheds, according to Richard Batiuk, associate director of science, analysis and implementation for the [Chesapeake Bay Program](#). Many of these farms are small dairy farms, exempt from the Clean Water Act regulations of animal farms because they are too small to meet the

thresholds. Some are also Amish and Old Order Mennonite operations, and those farmers are hesitant to take government funds to modernize their operations to control pollution.

Water utilities talk cost of contamination at second community meeting

DOYLESTOWN INTELLIGENCER The difference was night and day. After an estimated 1,000 people jammed into the Horsham Community Center on Tuesday night to learn about contaminated water supplies in Bucks and Montgomery counties, which irked many who found it too chaotic, only a fraction of that number attended a repeat session Wednesday morning. Representatives from local water authorities, the military, the Environmental Protection Agency, the Agency for Toxic Substances and Disease Registry and other agencies also appeared to step further away from their information tables. This allowed onlookers to continue circulating around the posterboards while those with questions encircled representatives off to the side. The topic was unregulated — and possibly toxic — chemicals called PFOA and PFOS, which have caused local water authorities to shut down approximately 160 public and private water wells in Warminster, Horsham and Warrington. The chemicals are believed to have migrated from former and current military bases in Warminster and Horsham, where they were used in firefighting foams. Gregory Preston, director of the Navy's BRAC Program Management Office East, which organized the informational meetings, acknowledged that many in the community want to see a town hall-style meeting during which attendees ask questions one by one within earshot of all. However, he said the decision to use a free-roaming format was mathematical.

Editorial: Too many planners spoil the meeting

DOYLESTOWN INTELLIGENCER You know how old sayings get to be old sayings? They speak the truth. Consider this one: "Too many cooks spoil the broth." That seemed to be the case Tuesday when a meeting that was supposed to help bewildered residents get a better handle on water contamination created mass confusion and frustration instead. The meeting was a joint effort by — don't hold your breath — the Navy, National Guard, the federal Environmental Protection Agency, the Agency for Toxic Substances and Disease Registry, the Pennsylvania Department of Environmental Protection and local water authorities. Get the picture? Too many cooks. Or maybe there wasn't enough input from regular people prior to planning the meeting. Had organizers talked to residents in communities affected by the contamination, they might have tailored the session to folks' needs and expectations. What people expected — at least the ones our reporter spoke to — was a sit-down meeting where they could ask questions and get answers about well contamination in and around former and current military installations in the Horsham, Warminster and Warrington areas... But instead of a sit-down with a succession of presenters, attendees had to travel from station to station to get information. The format didn't go well, as the residents were confronted with long lines and tables teeming with onlookers where it was hard to see visual presentations or hear the presenters. One participant called it a "cattle chute. It's a mess in there," she added. Others said the information they obtained had already been learned from our reporting. "At this point," said another frustrated resident, "I don't trust any of what they're saying." Here's another old saying: "If at first you don't succeed, try, try again." Which is what Navy officials said they plan to do despite Tuesday's bad experience, arguing that the format allows more questions to be asked. We get it. Unfortunately, people couldn't hear the answers. And that brings to mind this old saying: "Poor planning guarantees poor execution."

Commentary: Pa. can keep the Chesapeake Bay clean without hurting farmers - here's how:

HARRISBURG PATRIOT-NEWS I grew up in Lancaster County and generations of my family have called Kreider Farms Dairy our home since 1736. I'm fortunate to be part of a community that cares so much about our agricultural heritage and works to be good environmental stewards of our land. Every farmer I know wants to tackle the real environmental threat of livestock waste runoff. It's a serious threat to Pennsylvania's environment, waterways and the Chesapeake Bay. That's why it's disappointing to hear the Pennsylvania Department of Environmental Protection wants to transform local conservation districts and have them 'police' farmers who are working to deal with this problem. Not only are farmers working on this problem, but we've had the technology to do so for nearly five years. Unfortunately, Pennsylvania has ignored the solution. In July 2011, we unveiled a groundbreaking new technology at Kreider Farms that protects local streams and the Chesapeake Bay from environmental impacts of livestock waste. It also saves taxpayer money and has the potential to create a source of renewable energy and water for farms. Standing

before state officials and the media, we demonstrated an advanced micro-aerobic digestion system by Bion Environmental Technologies that would dramatically reduce runoff by treating animal waste on our farm before it ever made it to local waterways. Bion's Phase II plans at Kreider would also create a renewable energy and a re-usable water stream for farms. Imagine that: Farms could be completely self reliant while virtually eliminating pathogens, reducing greenhouse gas emissions and impacts to local waterways.

EPA Asking Public Comment on Glass and Zinc Site

WBOY-TV WEST VIRGINIA The EPA is looking for public input in the cleanup of a former Clarksburg business. On Tuesday night, the U.S. Environmental Protection Agency met with the community surrounding the North 25th Street Glass and Zinc Plant. The site is proposed to be on the superfund list, which would make it eligible for federal government funding for the cleanup. The actual process could take 5 to 10 years, but for now the EPA wants to know how the community would like to see the property used. "It's right next to the Rails to Trails program," said Anthony Iacobone, EPA Remedial Project Manager. "So how can we incorporate this superfund site and this cleanup with the Rails to Trails program is one of the things that we're hoping to find out." Public comments are accepted until June 6th and will factor into the EPA's decision of whether or not to add the North 25th Street Glass and Zinc Plant to the list. If you'd like to make a comment, visit www.regulations.gov.

SRA grades Sassafras River with C+ on report card

MY EASTERN SHORE, MD KENNEDYVILLE — The Sassafras River Association has released the 2016 report card for the Sassafras River, detailing its water quality and general health. In a telephone interview Friday, May 20, Riverkeeper Emmett Duke said this year's overall grade is a C+, beating last year's C. This year's grade matches what the Chester River earned for 2015, as presented by the Chester River Association last month. The SRA presented the 2016 report card Thursday, May 19, at Crow Farm & Vineyard in Kennedyville. Leading the presentation, Duke said the Sassafras River watershed is 20 miles long and 5 miles wide, winding through Betterton, Galena and Cecilton. "What we are experiencing is what's being experienced across the (Chesapeake) Bay," he said. "We have a higher score than last year." Duke said the grading was based on a water quality index, which uses indicators like nutrients, algae, dissolved oxygen and clarity, to score the river and its outlying creeks. "They may look the same, but these grades are nothing like you saw in school," Duke said. Each area received an individual grade before being averaged into the final overall score. Duke said the data was compiled last year by the Sassafras Samplers, a group of volunteers. Other agencies that helped were the Maryland Department of Natural Resources and the Virginia Institute of Marine Science. Testing occurred weekly from April to October. After it was gathered, the data was then reviewed by the SRA Science Committee.

McCarthy Optimistic About Chesapeake Bay Review in 2017

BNA DAILY ENVIRONMENT REPORT A midterm review of efforts to restore the Chesapeake Bay should show significant progress, Environmental Protection Agency Administrator Gina McCarthy said even as some environmental advocates say Pennsylvania is not curbing nutrient pollution into the watershed. The midterm review, scheduled for 2017, should show a significant growth in sea grasses and other water quality improvements in the Chesapeake Bay even though states may not hit all of their targets, McCarthy said May 25 at the Choose Clean Water Conference in Annapolis, Md. "We're seeing visible signs of improvement," McCarthy said. "We are seeing all of the rivers and streams in this area at least having attention paid to it. We know there are larger challenges we have with the entire coalition of states so everybody needs to be equally looking at every opportunity for restoration to happen and for pollution to stop being emitted into the rivers and streams that feed our Chesapeake." However, participants at the conference faulted Pennsylvania's efforts to reduce nutrient pollution. The EPA also has faulted Pennsylvania for its efforts to reduce nitrogen runoff from the agricultural sector, which contributes to pollution in the bay. McCarthy said she has repeatedly spoken with Pennsylvania Gov. Tom Wolf (D) about the state's efforts and will continue to prod the state to do more during the time remaining in the Obama administration.

"I think we all know that Pennsylvania is not unique in terms of the challenges it's facing," McCarthy said. "It has significant nutrient runoff that is contributing to the damage to the Chesapeake ecosystem and it needs to be addressed."

Thinking About What's Under Our Feet

EPA MID-ATLANTIC HEALTHY WATERS BLOG (By Valerie Breznicky) They're out of sight, often out of mind, and increasingly, out of time. In many cases, the drinking water and sewer lines that run beneath us have aged beyond their useful life. And when these lines crack and leak, serious public health issues can occur from contaminants entering our drinking water systems, as well as raw sewage infiltrating ground water and surface water supplies. Just days ago, we marked National Infrastructure Week. It was an opportunity to highlight the value that well-maintained infrastructure can bring to our economy, our jobs and public health and safety. It was also a chance to share information on how specific gaps in our infrastructure matter to all of us – from lost water to sewer overflows...

PENNSYLVANIA

PHILADELPHIA INQUIRER

'Dirt brokers' polluting NJ, investigators say TRENTON - Convicted criminals and individuals with ties to organized crime have dumped tons of contaminated soil and construction debris near residential areas and waterways in New Jersey in recent years, enabled by gaping loopholes in state regulations, investigators say. The scheme stretches across the state, from Palmyra to Newark, according to the State Commission of Investigation, which held a three-hour hearing on the matter Wednesday at the Statehouse. Between 2012 and 2013, a small recycling center in South Jersey became a "sprawling landfill occupied by acres of construction debris strewn within shouting distance of the Delaware River," Lee C. Seglem, acting executive director of the commission, said in an opening statement. "It should surprise no one that the architects of this toxic trafficking include organized-crime associates and convicted criminals," he said. Rogue "dirt brokers," Seglem said, have been able to recruit truckers to haul contaminated soil from New York to unauthorized locations in the Garden State. Unlike solid-waste haulers, the brokers are "subject to no licensing requirements, not even simple background checks," Seglem said.

NBC 10 PHILADELPHIA

Sick Staff, Neighbors Get Few Answers About Pa. Navy Base Water Contamination A number of former Willow Grove Naval Air Station and Warminster Naval Air Warfare Center staff say they've been diagnosed with illnesses and cancers in recent years. Some wonder if water contamination is to blame. Tim McNees hobbled into the meeting with hope and a 5-inch stack of medical documents. He left, head hung in disappointment. McNees, his wife Denise and father-in-law, Pat DiMarco, all came to the U.S. Navy's open house Tuesday night expecting they'd learn more about water contamination on and around Willow Grove's Naval Air Station and Warminster's Naval Air Warfare Center in Montgomery and Bucks counties. Many who attended the event at Horsham Township Community Center were hoping to learn if their water is really safe to drink and whether a burgeoning number of life-threatening health problems among former staff are connected to unregulated chemicals that make up firefighting foam used by the facilities. Despite one-on-one meetings with environmental, municipal and military experts, plenty of people felt those deputized to assuage their fears either didn't know the answers to their questions or weren't willing to answer them. "From what I've seen so far, a lot of smoke and beam blowing around in there," McNees said.

CBS 3 PHILADELPHIA

Volunteers Make The Schuylkill River Trail Safer PHILADELPHIA (CBS) — On a beautiful sunny day, there's not a more popular place in the city than the Schuylkill River Trail. Runners, walkers and bikers coexist peacefully, but recent crimes have shattered some sense of safety. "It's the number one urban trail in the country. It's beautiful. I want people to be out there enjoying it not feeling scared," said Jon Lyons. Lyons, of Run215, is helping to lead a group of volunteers who will become the eyes and ears of the circuitous 10 mile trail. This coming on the heels of two indecent exposure incidents on Saturday morning. "It's unacceptable," Lyons said of the incidents as he called one indecent exposure too many. Volunteers are being trained to identify suspicious activity and describe suspects if necessary. They'll work in pairs and have identifying badges and t-shirts. "My roommate runs at night sometimes and says she doesn't always feel safe so, I would feel better if there were volunteers," said Keira Missanelli. "I've been out here at night and haven't always

felt safe. More people watching would be good," said Rachel Kitchenoff. More eyes...less chance of criminal activity.

PITTSBURGH POST-GAZETTE

Federal health review calls compounds in Dimock water a concern Levels of contaminants found in more than two dozen water wells in Dimock Township, Susquehanna County, in 2012 were high enough to affect residents' health, create a physical hazard or otherwise "make the water unsuitable for drinking" in its raw state, a federal health agency reported Tuesday. The Agency for Toxic Substances and Disease Registry released the report after reviewing water sampling data collected four years ago by the U.S. Environmental Protection Agency during a high-profile investigation into groundwater contamination in the northeastern Pennsylvania community that was a focus of early Marcellus Shale development. The health agency did not define the source of the contamination and it evaluated the wells for chemicals whether they occur naturally, are man-made or are influenced by human activities. The analysis comes long after the EPA ended its investigation in Dimock, which is in the northeast corner of the state, by concluding that it did not need to take any further action after it found that water in all but five of the 64 wells it sampled was safe to drink and the others could be treated to safe levels. The new report is likely to stir up concerns in a section of the community where state environmental regulators have, since April 2010, forbidden Texas-based Cabot Oil and Gas Corp. from drilling new gas wells until the water quality returns to pre-drilling conditions in 18 wells that the Pennsylvania Department of Environmental Protection says were contaminated by methane and metals related to Cabot's gas wells... Some Dimock residents said the new report leaves them with more unanswered questions. Victoria Switzer said her household stopped drinking any water from the tap in 2009, "so part of me feels relieved that I didn't just say, 'Oh well, we'll drink the water.'" "I have concern for people who have been drinking the water but shouldn't be," she added. "But my main concern is, now what?"

Power plant operators to see rates plunge for their services Following its annual auction, PJM Interconnection announced that power plant operators will get about 39 percent less for generating capacity they promise to make available when needed beginning in 2019. PJM's so-called capacity auction, the results of which were released on Tuesday, determined the Valley Forge, Pa.-based regional grid operator will pay power plants and other grid resources in Pennsylvania \$100 for each megawatt they pledge to produce any given day from June 2019 to May 2020. That compares with a clearing price of \$164.77 set by last year's auction, which represented a 38 percent raise from the previous year after PJM made reforms to demand more reliability from power grid resources that failed to produce during extreme cold weather in 2014.

PITTSBURGH BUSINESS TIMES

'Hulk' actor invites Wolf to visit fracking sites in region Academy Award-winning actor and anti-fracking activist Mark Ruffalo on Tuesday invited Gov. Tom Wolf to tour fracking sites in Pennsylvania to see what he said was damage to residents' health due to natural gas drilling. Ruffalo, an outspoken critic of hydraulic fracturing, wrote in a letter to Wolf that the Salem Township, Westmoreland County, pipeline explosion on April 29 "served as an alarming reminder of the dangers of this industry and gas infrastructure, as did news about potential fracking-related earthquakes in the state." He invited Wolf to meet with families in several areas of the state, including Dimock, Franklin Forks and Lenox, as well as Washington County. Ruffalo also said the Pennsylvania Department of Health hadn't moved on fracking-related health complaints made during the Corbett administration. He also referenced the Wolf administration's approval of more than 1,000 fracking permits. "You have done nothing to help Pennsylvanians harmed by this industry," Ruffalo wrote in the three-page letter. "You have worked hand-in-hand with the industry, creating the Pipeline Infrastructure Task Force, that included a group of government officials from your administration and members of the oil and gas industry to 'build public acceptance' and make it easier to fast-track fracking infrastructure."

STATE IMPACT PENNSYLVANIA

Federal public health report highlights contaminants in Dimock's water A federal public health report on Dimock's much-publicized water woes found threatening levels of chemicals in 27 private water wells, and explosive levels of methane in 17 private water wells during a six-month period in 2012. The results were based on samples taken four years ago, while a moratorium on hydraulic fracturing in the area was in place. The chemicals include cancer-causing levels of arsenic in 13 wells. Other substances include potentially toxic levels of cadmium, copper, iron, lead, lithium, manganese, potassium, sodium and 4-chlorophenyl phenyl ether. The report, a "health consultation" by the Agency for

Toxic Substances and Disease Registry (ATSDR), which is part of the Centers for Disease Control, looked at data from 64 private drinking water wells and also found an immediate risk of explosion in five homes due to high levels of methane in their water, and potential threats to another 12 homes. None of the information is new to the resident's themselves, who each received a toxicology report from the EPA and ATSDR back in 2012. Some residents requested and received visits by federal researchers and experts at the time to explain the results. The report does not analyze current water samples, and makes no conclusions about the status of the well water today. It does not identify the source of these chemicals, some of which could be naturally occurring. The authors of the report say some issues with the water-quality remain, but this is most likely the result of anecdotal information from residents themselves, not new data.

ALLENTOWN MORNING CALL

Solar Impulse Lands At Allentown Airport Gliding past the sunset above Lehigh Valley International Airport, the Solar Impulse 2 is well on its way to becoming the first plane ever to fly around the world on solar power alone. Without a single drop of fossil fuel, the sun-powered aircraft touched down at the airport shortly before 9 p.m. Wednesday with electric bicycles attached helping to slow it down, to cheers from about 100 solar power fans and Swiss onlookers. With clear skies and only a light breeze, the record-breaking plane coasted along the tarmac accompanied by a traveling ground crew of 75 people here, and another 75 people remotely directing its every movement from Monaco on the French Riviera. The plane will take off for John F. Kennedy International Airport in New York City next week before crossing the Atlantic Ocean to land in Europe or Northern Africa.

DOYLESTOWN INTELLIGENCER

Water utilities talk cost of contamination at second community meeting The difference was night and day. After an estimated 1,000 people jammed into the Horsham Community Center on Tuesday night to learn about contaminated water supplies in Bucks and Montgomery counties, which irked many who found it too chaotic, only a fraction of that number attended a repeat session Wednesday morning. Representatives from local water authorities, the military, the Environmental Protection Agency, the Agency for Toxic Substances and Disease Registry and other agencies also appeared to step further away from their information tables. This allowed onlookers to continue circulating around the posterboards while those with questions encircled representatives off to the side. The topic was unregulated — and possibly toxic — chemicals called PFOA and PFOS, which have caused local water authorities to shut down approximately 160 public and private water wells in Warminster, Horsham and Warrington. The chemicals are believed to have migrated from former and current military bases in Warminster and Horsham, where they were used in firefighting foams. Gregory Preston, director of the Navy's BRAC Program Management Office East, which organized the informational meetings, acknowledged that many in the community want to see a town hall-style meeting during which attendees ask questions one by one within earshot of all. However, he said the decision to use a free-roaming format was mathematical.

Editorial: Too many planners spoil the meeting You know how old sayings get to be old sayings? They speak the truth. Consider this one: "Too many cooks spoil the broth." That seemed to be the case Tuesday when a meeting that was supposed to help bewildered residents get a better handle on water contamination created mass confusion and frustration instead. The meeting was a joint effort by — don't hold your breath — the Navy, National Guard, the federal Environmental Protection Agency, the Agency for Toxic Substances and Disease Registry, the Pennsylvania Department of Environmental Protection and local water authorities. Get the picture? Too many cooks. Or maybe there wasn't enough input from regular people prior to planning the meeting. Had organizers talked to residents in communities affected by the contamination, they might have tailored the session to folks' needs and expectations. What people expected — at least the ones our reporter spoke to — was a sit-down meeting where they could ask questions and get answers about well contamination in and around former and current military installations in the Horsham, Warminster and Warrington areas... But instead of a sit-down with a succession of presenters, attendees had to travel from station to station to get information. The format didn't go well, as the residents were confronted with long lines and tables teeming with onlookers where it was hard to see visual presentations or hear the presenters. One participant called it a "cattle chute. It's a mess in there," she added. Others said the information they obtained had already been learned from our reporting. "At this point," said another frustrated resident, "I don't trust any of what they're saying." Here's another old saying: "If at first you don't succeed, try, try again." Which is what Navy officials said they plan to do despite Tuesday's bad experience, arguing that the format allows more questions to be asked. We get it. Unfortunately, people

couldn't hear the answers. And that brings to mind this old saying: "Poor planning guarantees poor execution."

THE ERIE READER

Is Fracking for Natural Gas Coming to Erie County? Gov. Tom Wolf says that fracking is coming, and that it can be done safely. Environmental groups say that it is not safe for people, animals, or the environment, and *fear* its arrival. World leaders say that it must stop, because the future of life on our planet depends on it. Just what is fracking, anyway? It comes from the word "fracturing," as used in drilling for natural gas in shale layers. Fracturing has been used by drillers for about 80 years now, in vertically drilled wells, to increase the amount of gas released. When the drilling tube reaches the shale layer, a mixture of sand and water is hydraulically pumped into the shale under very high pressure, breaking up the shale. When the pumps are turned off, the sand helps to hold the cracks in the shale open, releasing the gas to flow back up the well pipe. For vertical wells, only a few hundred gallons of water is needed, because the shale layer is usually only about 40 feet thick. However, in 2004, an innovative new drilling technology was invented which allows the drillers to steer the drill head when it reaches the shale layer, and to then drill horizontally – not for just a few feet as with vertical drilling; but for thousands of feet, even miles, following the shale layer. This technique was dubbed "Unconventional Horizontal Hydraulic Fracturing," and here in Pennsylvania it was used in the Marcellus shale layer to extract a thousand times more natural gas per well than could be extracted from a vertical well. But to frack even 5,000 feet of horizontal shale, about 5 million gallons of water are needed, along with sand and special proprietary lubricating chemicals. When the fracking pumps are turned off, the gas and over a million gallons of the fracking fluid come gushing back up, contaminated with toxic minerals and carcinogenic vapors. This hazardous wastewater must be contained and shipped by truck to a legal disposal site.

HARRISBURG PATRIOT NEWS

Commentary: Pa. can keep the Chesapeake Bay clean without hurting farmers - here's how: I grew up in Lancaster County and generations of my family have called Kreider Farms Dairy our home since 1736. I'm fortunate to be part of a community that cares so much about our agricultural heritage and works to be good environmental stewards of our land. Every farmer I know wants to tackle the real environmental threat of livestock waste runoff. It's a serious threat to Pennsylvania's environment, waterways and the Chesapeake Bay. That's why it's disappointing to hear the Pennsylvania Department of Environmental Protection wants to transform local conservation districts and have them 'police' farmers who are working to deal with this problem. Not only are farmers working on this problem, but we've had the technology to do so for nearly five years. Unfortunately, Pennsylvania has ignored the solution. In July 2011, we unveiled a groundbreaking new technology at Kreider Farms that protects local streams and the Chesapeake Bay from environmental impacts of livestock waste. It also saves taxpayer money and has the potential to create a source of renewable energy and water for farms. Standing before state officials and the media, we demonstrated an advanced micro-aerobic digestion system by Bion Environmental Technologies that would dramatically reduce runoff by treating animal waste on our farm before it ever made it to local waterways. Bion's Phase II plans at Kreider would also create a renewable energy and a re-usable water stream for farms. Imagine that: Farms could be completely self reliant while virtually eliminating pathogens, reducing greenhouse gas emissions and impacts to local waterways.

Chance of rain for Thursday; Code Orange Air Quality Alert is in effect A rainy holiday weekend is likely ahead for the Harrisburg area. There is a chance of a thunderstorm everyday between Thursday and Tuesday, according to AccuWeather. There is a slight chance of rain showers and thunderstorms after 2 p.m. Thursday, and rain is possible again before 1 a.m. and after 9 a.m. on Friday, according to the National Weather Service in State College. The low for tonight in the Harrisburg area is around 58, and the high will be near 84 on Thursday. An Air Quality Alert is currently in effect for Dauphin, Lebanon, Cumberland, York and Lancaster counties. The Pennsylvania Department of Environmental Protection has Issued the Code Orange Air Quality Alert which means that air pollution concentrations within the region may become unhealthy for some people. Those most affected by high concentrations of air pollution include children, people with asthma and other lung conditions, heart disease and the elderly. Sensitive groups can minimize the effects of air pollution by avoiding strenuous activity or exercise outdoors.

WITF HARRISBURGH'S NPR STATION

Solar-powered airplane lands in the Lehigh Valley Dayton, Ohio) -- A solar-powered airplane has landed in the Lehigh Valley, about 17 hours after it took off from the Ohio hometown of America aviation pioneers Wilbur and Orville Wright.

The Swiss-made Solar Impulse 2 landed at Lehigh Valley International Airport in Allentown around 8:45 p.m. Wednesday, the latest stop of its journey around the world. The plane took off from Dayton International Airport just after 4:00 a.m. yesterday. Its departure from Dayton was delayed from Monday as project officials checked for possible damage after fans that keep the mobile hangar inflated had a power failure. The globe-circling voyage began in March 2015 from Abu Dhabi, the capital of the United Arab Emirates, and made stops in Oman, Myanmar, China and Japan.

LANCASTER NEWSPAPERS

Aument calls for investigation into resigned DEP secretary State Sen. Ryan Aument has called for an investigation into the recently resigned Secretary of the Department of Environmental Protection to discover whether an email that led to his resignation was a sign of any wrongdoing. John Quigley stepped down as head of the agency while the governor's office probed an email he sent from a private account that lashed out at environmental advocates. In the email, Quigley used expletives to criticize environmental groups for not pushing back against lawmakers for changes in gas drilling and other environmental regulations. Aument, a Republican from Landisville, said in a statement the email "raises serious and substantive questions about Secretary Quigley's ability to appropriately apply environmental law through regulation during his tenure." "I believe we need a thorough review to determine if anything inappropriate has occurred relative to the application of regulations in a fair and transparent manner or in the issuance of environmental permits during Secretary Quigley's tenure," Aument said.

ASSOCIATED PRESS (Pa.)

Local Co-Op Gets Greener By Delivering By Bicycle STATE COLLEGE, Pa. (AP) - Melanie Rosenberger tucked the bok choy and lettuce gently in the bag, getting the produce ready for its final trip to the table. She took extra care while packing the eggs. The food, all locally grown or raised, was destined for the kitchen of State College Mayor Elizabeth Goreham, who selected a different delivery option over the weekend from the Friends and Farmers Cooperative Online Market. Instead of getting her order delivered by van as usual, she chose a newer, greener route. "She does a lot for us, so it's nice for us to have her as a member," Rosenberger said. "I've seen her on her bike a lot, too." Rosenberger, the market manager at the co-op, watched as Chip Mefford rolled away on his cargo bike with the food in tow. Mefford, along with two others, delivered the first orders via bicycle for the organization, which helps make local food more accessible in Centre County. The online market features 35 vendors, Rosenberger said, with designs on 40 to 45 by the end of summer.

WASHINGTON, D.C.

WASHINGTON POST

This Texas fight shows just how conflicted we still are about 'clean coal' On the path to a low-carbon economy, most experts agree that a variety of strategies will be needed, from the dramatic expansion of wind and solar power to electrification or better biofuels for cars and planes. Some technologies remain more controversial than others, however. Carbon capture and storage — the idea of trapping carbon dioxide emissions from power plants and other industrial sources before they are released into the atmosphere and then storing them, usually underground — is one such widely debated approach.

DELAWARE

WILMINGTON NEWS JOURNAL

DNREC issues 'Code Red' for poor air quality Those who can might want to avoid spending long periods of time outside before Saturday. DNREC issued a "Code Red" air quality alert for Delaware on Thursday. A Code Red air quality alert means that air pollution concentrations within the region are at unhealthy levels, according to DNREC. A strong area of high pressure continues to build over the Mid-Atlantic region, with temperatures reaching nearly 90 degrees. A full, strong late May sun and light surface winds will allow ozone levels to continue to climb, mainly at locations in northern Delaware. The high ozone should end by Saturday, as surface winds will shift southerly, which should limit ozone to the

moderate range. For more information about the air quality alerts and what you can do to reduce air pollution, check out the following website: <http://www.dnrec.delaware.gov/AQI/Pages/AQIForecast.aspx> A Code Red air quality forecast for ozone is a level of pollution that can be unhealthy for all people in Delaware; it is advisable to limit time outdoors, especially for sensitive groups, such as young children, the elderly, and those with heart and/or respiratory conditions. Any health-related questions should be directed to the Division of Public Health at 302-739-6619. All other questions should be directed to the Division of Air Quality at 302-739-9402.

DELAWARE CAPE GAZETTE

Coons' priorities included in annual appropriations bill Sen. Chris Coons, the first Delaware senator in more than four decades to serve on the critical Appropriations Committee, joined his colleagues on the committee to approve the annual Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriations bill. This bill passed out of the Appropriations Committee unanimously and is now ready for consideration by the full Senate. "Delaware plays a vital role in feeding America's families, and finding ways to support our hardworking farmers and poultry growers is one of my top priorities," Coons said. "I'm thrilled this bill includes funding for critical programs that will protect Delaware's poultry growers from disease and catastrophic loss, and help farmers continue their conservation efforts in the Chesapeake Bay. This bill also provides increased support for rural housing to make sure low-income families can secure fair, affordable housing. I'm pleased the committee has worked in a bipartisan way to support these and many related programs."

DELAWARE PUBLIC MEDIA (NPR)

Cape Henlopen fishing pier reopens with limited lifespan The Cape Henlopen fishing pier reopened Wednesday morning after over a year of repairs. It's the largest – and most used – fishing pier in the First State. Built in the early 1940s by the Army, it was originally used to unload cargo, and supply boats dropping mines at the mouth of the Delaware Bay during World War II to keep German U-boats away from shipping channels and industrial infrastructures up-river. But damage over the years made significant repairs necessary. Around 100 of the round wooden support beams known as piling have been replaced, as well as the decking bolted on top of those structures. Gov. Jack Markell was among those welcoming the pier's reopening Wednesday, just in time for Memorial Day weekend. "It's great to see the pier reopened," Markell said. "It's a really important part of our beautiful state park. It's in very high demand and it's great to see it's back and that all of the people can enjoy it this summer."

MIDDLETOWN TRANSCRIPT

Cape Henlopen fishing pier returns Ralph Morgan has been fishing since he was 12-years-old. The Lewes residents said it's part of a long standing legacy. "My whole family's been into fishing too—we were raised as fisherman." So he admits he was disappointed with the closing of the fishing pier at Cape Henlopen State Park in 2014. On May 25 it reopened and Morgan was one of the first fisherman on the scene, with a handful of fishing poles—one pole for every occasion. "I did a lot of fishing here in the past. I caught lots of trout, caught lots of flounder—I caught everything out here," he said. He wasn't the only one. 14-year-old RJ Cooper was also on site. Cooper has been fishing since he was six and was just as prepared and enthusiastic as Morgan. "I'm just excited to be out here and catch a fish," he said "I like the action, because I like feeling the fight."

DELAWARE STATE NEWS

Delaware deals with weed problems in ponds in downstate ponds DOVER — As inland water temperatures rise and aquatic plants emerge, DNREC's Division of Fish & Wildlife has started treating downstate ponds for nuisance aquatic weeds. These nuisance weeds, if left unchecked, can choke the water they've invaded, crowd out beneficial plant species and prevent fishing and boating access. Blairs Pond and Abbotts Pond, both near Milford, were treated this month. Other public-access ponds to be treated are Concord Pond near Seaford, Wagamons Pond in Milton and Millsboro Pond. Hydrilla, a non-native plant that likely entered the state through the aquarium trade, is the primary target of the treatment. The Division of Fish & Wildlife's Fisheries Section is applying Sonar, an EPA-registered and approved aquatic herbicide containing fluridone, to the ponds where it is widespread. In compliance with new guidelines issued by the EPA, DNREC has filed a notice of intent to use Sonar and has submitted a pesticide discharge management plan to the EPA. Sonar has been used in Delaware since the 1980s and has proven environmentally compatible and effective for controlling hydrilla. Sonar does not pose any threat to wildlife, including fish. "There are no

restrictions on fishing or consumption of fish as a result of these treatments,” said Fisheries Administrator John Clark. Signs are posted in the boat ramp area of each pond on the day of treatment. The only special precaution for residents is a 30-day restriction from the date of treatment on water use from the ponds. “Residents who live alongside the ponds and those directly downstream should not use pond water to irrigate their gardens, yards or agricultural lands for 30 days following treatment to avoid possible damage to their plantings,” Clark said. To prevent the spread of invasive aquatic vegetation to other ponds and waterways, anglers and boaters are encouraged to remove all hydrilla and other aquatic plants from their boats, trailers and gear before leaving the boat ramp area, said Clark...

[DNREC reopens Cape Henlopen Fishing Pier after major repairs](#) LEWES — Dignitaries and students from Millsboro Middle School cast the first fishing lines of the season from the newly-repaired 1,300-foot Cape Henlopen State Park Fishing Pier. “The Cape Henlopen Fishing Pier is Delaware’s most popular recreational fishing structure, generating more than \$700,000 in revenue per year for our economy,” said Delaware Governor Jack Markell. “Our anglers, bird watchers and many other nature lovers can be outside, relax and enjoy nature. And, the pier also helps further another goal for our state – to get children outside for healthy fun, and as a way to help develop their appreciation of the environment.”

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WEST VIRGINIA

WEST VIRGINIA PUBLIC BROADCASTING

[Parkersburg Provides Water to Vienna's Commercial District](#) The City of Parkersburg will provide water to some parts of Vienna in response to high levels of a carcinogenic chemical in the town’s drinking water. The Parkersburg Utility Board’s Assistant Manager Eric Bumgardner says the lower-third of Vienna, also known as the town’s commercial district, had its water switched over to Parkersburg’s water supply Wednesday. This will remain in effect until a permanent fix is in place. Bumgardner also says there will likely be an announcement made Thursday when customers in that area can safely use their tap water. The federal Environmental Protection Agency established a new C8 limit last week for public drinking water and issued a drinking water advisory for Vienna and Martinsburg. C8, also called PFOA, has been used to make Teflon. The EPA recommends C8 exposure of 0.07 parts per billion or lower. Test results show that C8 concentration in Vienna water has been above 0.1 parts per billion. In Martinsburg, the plant contaminated with C8 was shut down last week, and all residents were switched over to a larger, second plant. The Martinsburg Water Department says the cause of the contamination is still under investigation.

WBOY-TV WEST VIRGINIA

[EPA Asking Public Comment on Glass and Zinc Site](#) The EPA is looking for public input in the cleanup of a former Clarksburg business. On Tuesday night, the U.S. Environmental Protection Agency met with the community surrounding the North 25th Street Glass and Zinc Plant. The site is proposed to be on the superfund list, which would make it eligible for federal government funding for the cleanup. The actual process could take 5 to 10 years, but for now the EPA wants to know how the community would like to see the property used. “It’s right next to the Rails to Trails program,” said Anthony Iacobone, EPA Remedial Project Manager. “So how can we incorporate this superfund site and this cleanup with the Rails to Trails program is one of the things that we’re hoping to find out.” Public comments are accepted until June 6th and will factor into the EPA’s decision of whether or not to add the North 25th Street Glass and Zinc Plant to the list. If you’d like to make a comment, visit www.regulations.gov. You can also mail comments to:

ASSOCIATED PRESS (W. Va.)

[Commission Sets Hearing Involving Chemical Spill Probe](#) The state Public Service Commission has set a date for a hearing involving a lawsuit filed against a water company and a manufacturer that sold a chemical to a company involved in a massive spill in Charleston. The [Charleston Gazette-Mail](#) reports commissioners issued an order scheduling

an evidentiary hearing in the investigation for Nov. 15-17. The move comes after a federal judge delayed the trial in the case, saying he would need more time to review and rule on several motions. The class-action lawsuit was filed by residents and businesses against Eastman Chemical, West Virginia American Water and its parent company, American Water Works, over their roles in the January 2014 spill. Eastman produced the coal-cleaning agent that leaked from a Freedom Industries tank.

MARYLAND

CHESAPEAKE BAY JOURNAL

EPA chief call Pennsylvania's lagging Bay cleanup "discouraging" McCarthy vows to contact US Department of Agriculture to get more funding for region's conservation efforts. Environmental Protection Agency Administrator Gina McCarthy acknowledged Wednesday that Pennsylvania had not done enough to control pollution flowing into the Chesapeake Bay, and said that her agency needed to coordinate with agriculture officials to change the course. Pennsylvania's lack of progress is "discouraging at the very least," McCarthy told hundreds of environmental activists, government officials and foundation leaders attending the Choose Clean Water Coalition conference in Annapolis. "I need to talk to the USDA as well," she added, to applause, "because there is work that needs to be done." EPA officials and the states involved in the Bay cleanup have known for years that Pennsylvania lagged behind. But a report released last June showed the Keystone State would need to double the number of farm acres under nutrient management and plant seven times as many acres of forest and grass buffers as it did in 2014 to meet its interim reduction targets under EPA's Total Maximum Daily Load pollution diet. Pennsylvania contributes a large share of the pollution loads to the Chesapeake Bay, and agriculture is the bulk of that. The state has 35,000 farms in the Potomac and Susquehanna watersheds, according to Richard Batiuk, associate director of science, analysis and implementation for the Chesapeake Bay Program. Many of these farms are small dairy farms, exempt from the Clean Water Act regulations of animal farms because they are too small to meet the thresholds. Some are also Amish and Old Order Mennonite operations, and those farmers are hesitant to take government funds to modernize their operations to control pollution.

Anacostia Park, once planned as an urban oasis, still more of a mirage Advocates stepping up actions to turn vision into reality. Just a few blocks from the U.S. Capitol in Washington, DC, begins a swath of riverfront green space about 1.5 times the size of Central Park. Here, a short walk from homes that sell for more than half a million dollars each, geese outnumber people. The river is quiet, with scarcely a boat in sight. On a clear day, a visitor can see into the windows of the gleaming new condos rising on the other shore. Anacostia Park was supposed to be an urban oasis, a city escape that would feature a swimming lake, Tivoli-style gardens, pleasure boating and fishing. Yet, nearly 100 years after the federal government established it on the city's northeast side, Anacostia Park remains a place yet to reach its potential. Yes, it has a roller rink, the only one in a national park. Thousands of visitors came on a recent spring weekend for the second annual Anacostia River Festival, which now marks the end of the city's traditional four-week celebration of its cherry trees blossoming. But the goalposts on the soccer fields in one portion of the park are rusting. Silt fences encircle a playground, making it an uninviting and muddy mess. The whole park includes only one spot with picnic tables, and it lacks shade. Perhaps that explains why, on a 60-degree day, almost no one is enjoying the vast, linear expanse that, on paper at least, was to give DC "a park of great beauty and value," according to the federal Commission of Fine Arts.

Commentary: Let's drink to brewery's plans to help restore the Chesapeake The town of Burton-on-Trent in England stands in a broad river valley carved out of ancient rock, covered with layers of sand and gravel up to 60 feet deep. Water has trickled through these beds for tens of thousands of years, depositing minerals in the gravel and sandstone. In terms of quality water, it is hard to think of a better situation than divine intervention. Burton is known as the spiritual home of the United States' favorite beer style: India Pale Ale. More than a century ago, Burton was the undisputed brewing capital of the world. It was home to more than 30 breweries, and the world's most famous beer brand. The town's beers were imitated globally, but never bettered. Why? It was the water. While the United States still purveys some of the most generic beer in the world (in my humble opinion), it also brews much of the best. As of March 2016, the United States was home to more than 2,000 craft breweries. The craft-beer explosion was a grass roots movement that has turned into big business. Craft breweries have gone from nowhere to more than 10 percent of a beer market worth more than \$100 billion a year.

CHESAPEAKE BAY PROGRAM BLOG

By the Numbers: 8 billion As humans have shaped the world around us, we have ensured that lakes, rivers, oceans and even Arctic sea ice have something in common: these waters now contain microscopic pieces of plastic from our cosmetics, cleaners and synthetic clothing capable of harming the growth, development and behavior of marine life. Microplastics have been found in lakes, rivers, oceans and even Arctic sea ice. These debris were taken from the Rhode River in Maryland. Known as microplastics, these debris are smaller than the width of a common drinking straw and are appearing in more regions and in bigger quantities around the world. In 2014, scientists reported the presence of microplastics in four Chesapeake Bay rivers: the Patapsco, Rhode, Corsica and Magothy...

MY EASTERN SHORE MD

SRA grades Sassafras River with C+ on report card KENNEDYVILLE — The Sassafras River Association has released the 2016 report card for the Sassafras River, detailing its water quality and general health. In a telephone interview Friday, May 20, Riverkeeper Emmett Duke said this year's overall grade is a C+, beating last year's C. This year's grade matches what the Chester River earned for 2015, as presented by the Chester River Association last month. The SRA presented the 2016 report card Thursday, May 19, at Crow Farm & Vineyard in Kennedyville. Leading the presentation, Duke said the Sassafras River watershed is 20 miles long and 5 miles wide, winding through Betterton, Galena and Cecilton. "What we are experiencing is what's being experienced across the (Chesapeake) Bay," he said. "We have a higher score than last year." Duke said the grading was based on a water quality index, which uses indicators like nutrients, algae, dissolved oxygen and clarity, to score the river and its outlying creeks. "They may look the same, but these grades are nothing like you saw in school," Duke said. Each area received an individual grade before being averaged into the final overall score. Duke said the data was compiled last year by the Sassafras Samplers, a group of volunteers. Others agencies that helped were the Maryland Department of Natural Resources and the Virginia Institute of Marine Science. Testing occurred weekly from April to October. After it was gathered, the data was then reviewed by the SRA Science Committee.

MISCELLANEOUS

EPA MID-ATLANTIC HEALTHY WATERS BLOG

Thinking About What's Under Our Feet (By Valerie Breznicky) They're out of sight, often out of mind, and increasingly, out of time. In many cases, the drinking water and sewer lines that run beneath us have aged beyond their useful life. And when these lines crack and leak, serious public health issues can occur from contaminants entering our drinking water systems, as well as raw sewage infiltrating ground water and surface water supplies. Just days ago, we marked National Infrastructure Week. It was an opportunity to highlight the value that well-maintained infrastructure can bring to our economy, our jobs and public health and safety. It was also a chance to share information on how specific gaps in our infrastructure matter to all of us – from lost water to sewer overflows...

BNA DAILY ENVIRONMENT REPORT

McCarthy Optimistic About Chesapeake Bay Review in 2017 A midterm review of efforts to restore the Chesapeake Bay should show significant progress, Environmental Protection Agency Administrator Gina McCarthy said even as some environmental advocates say Pennsylvania is not curbing nutrient pollution into the watershed. The midterm review, scheduled for 2017, should show a significant growth in sea grasses and other water quality improvements in the Chesapeake Bay even though states may not hit all of their targets, McCarthy said May 25 at the Choose Clean Water Conference in Annapolis, Md. "We're seeing visible signs of improvement," McCarthy said. "We are seeing all of the rivers and streams in this area at least having attention paid to it. We know there are larger challenges we have with the entire coalition of states so everybody needs to be equally looking at every opportunity for restoration to happen and for pollution to stop being emitted into the rivers and streams that feed our Chesapeake." However, participants at the conference faulted Pennsylvania's efforts to reduce nutrient pollution. The EPA also has faulted Pennsylvania for its efforts to reduce nitrogen runoff from the agricultural sector, which contributes to pollution in the bay. McCarthy said she has repeatedly spoken with Pennsylvania Gov. Tom Wolf (D) about the state's efforts and will continue to prod the state to do more during the time remaining in the Obama administration.

"I think we all know that Pennsylvania is not unique in terms of the challenges it's facing," McCarthy said. "It has significant nutrient runoff that is contributing to the damage to the Chesapeake ecosystem and it needs to be addressed."

Supreme Court to Consider Mercury Rule Petition in June The U.S. Supreme Court in June will consider a petition by 20 states that seeks review of a federal appeals court decision that left the EPA's Mercury and Air Toxics Standards in place while the agency worked to address a legal flaw in its rulemaking process. The state coalition, led by Michigan, wants the Supreme Court to consider whether a reviewing court can leave an unlawful rule in place if a regulatory agency promulgated that regulation without having the statutory authority to issue the rule.

AEP Grapples With Clean Power Plan Compliance Options Serving 5.4 million customers across 11 states, American Electric Power is still grappling with various scenarios for complying with the EPA's Clean Power Plan despite the rule being stayed by the U.S. Supreme Court. During a recent forum sponsored by the Electric Power Research Institute, Scott Weaver, manager of strategy policy analysis at AEP, speaks about the difficulties the multistate company will face once states begin to implement the Clean Power Plan, which sets carbon dioxide emissions limits on the existing fleet of power plants.

Senate Aims for Unanimous Consent on TSCA Overhaul Bill

The Senate has not reached an agreement as to whether it will move by unanimous consent legislation to overhaul the nation's primary chemicals law. Sen. Inhofe tells reporters he is working to "hotline" the bill, meaning it will move to the floor for a unanimous consent vote soon.

House Panel Approves Rider-Laden EPA Spending Bill A House Appropriations subcommittee approves a \$32.1 billion funding bill for fiscal year 2017 that would include nearly \$8 billion for the EPA along with riders prohibiting agency spending on several key regulations. The draft legislation, which also funds the Interior Department and related agencies, sails through the House Appropriations Subcommittee on Interior, Environment, and Related Agencies markup without amendment, but top Democratic appropriators criticize its policy riders that address the Clean Power Plan, the Clean Water Rule and others.

GREENWIRE

APPROPRIATIONS: Subcommittee quickly approves spending bill for EPA, Interior A House panel swiftly signed off this morning on a fiscal 2017 spending bill for U.S. EPA, the Interior Department and the Forest Service, as members postponed looming battles over funding levels and policy riders for another day. The Interior, Environment and Related Agencies Appropriations Subcommittee approved the \$32.1 billion measure on a voice vote with no audible dissent after a markup that lasted barely a half hour. Following a standard pattern, lawmakers held off on offering amendments, but the deep partisan divisions were already evident. While Rep. Hal Rogers (R-Ky.), chairman of the full Appropriations Committee, called the 154-page draft "a good bill," ranking member Nita Lowey (D-N.Y.) alluded minutes later to "serious shortcomings." Those disagreements will get a thorough airing at the full committee's markup, which has yet to be scheduled.

CLEAN POWER PLAN: W.Va. AG Morrissey says rule driving market changes despite stay Following last week's surprise move by the U.S. Court of Appeals for the District of Columbia Circuit to postpone Clean Power Plan arguments to September and before the full panel, parties involved in the case have spent the week assessing shifts in their strategies for arguments. During today's OnPoint, West Virginia Attorney General Patrick Morrissey (R) discusses how he plans to proceed during this fall's arguments. He also explains why he believes the U.S. coal industry could see a comeback if the Clean Power Plan is defeated in court, despite the market trending away from coal. [Click here](#) to watch today's OnPoint.

SUPREME COURT: States say EPA wrong on mercury rule A coalition of states is telling the Supreme Court that U.S. EPA is making flawed legal arguments about its rule to slash power plants' mercury emissions. In the most recent chapter of a long-running legal dispute over EPA's rule, 27 states led by Michigan are asking the justices to hear their arguments against the regulation that the Supreme Court deemed illegal in 2015. The states filed their latest brief with the justices Monday. EPA has since tweaked its regulation in light of the high court's ruling, but the states argue that the U.S. Court

of Appeals for the District of Columbia Circuit didn't have the authority to leave an unlawful rule in place in the meantime. Earlier this month, EPA pressed the justices to reject the states' appeal. EPA argued that the states weren't injured and therefore didn't have legal "standing" to appeal. The agency also said that the challenge was too late because it had already updated the regulation and that the lower court had the discretion to keep the rule in place.

CLIMATE: White House rule would scrutinize contractor emissions The White House today proposed a rule to provide the administration with greater understanding of the greenhouse gas emissions of federal contractors and vendors. The rule would create a system to track whether contractors and vendors publicly disclose heat-trapping emissions, emissions reductions targets and risks associated with climate change. President Obama last year said the federal government would aim to reduce greenhouse gas emissions by 40 percent by 2025 compared to 2008 levels. Today's proposal is meant to help achieve the goals of a related executive order that requires the government's large procurement agencies to take greenhouse gas emissions into account.

Unreliable emissions tests pinch efforts to curb smog -- expert The laboratory and the real world are growing further apart in terms of controlled test results and actual air pollution, a United Nations official said yesterday during a global environmental summit in Nairobi, Kenya. The comments come a week after the World Health Organization found that damaging airborne particles are up 8 percent in cities around the world. The recent Volkswagen AG emissions cheating scandal and its fallout in the auto industry have spurred such investigations. And because raising vehicle emissions standards is viewed as key to reducing pollution, some are wondering whether other automakers are also engaging in underreporting or cheating. "Most worrying is [that] the gap between what we find in the lab and on the ground is growing," said Rob de Jong, a transport expert at the U.N. Environment Programme. "Laboratory test results are increasingly unreliable or not reflective of vehicles. This gap is very worrisome because it's eating away at the progress we are making."

CHEMICALS: Monsanto rejects takeover bid from Bayer Monsanto Co. yesterday rejected a \$62 billion takeover bid from Bayer AG, saying it was "incomplete and financially inadequate." The company said it may be receptive to a higher bid from Bayer. Bayer's original offer failed to address financing and regulatory issues, said Monsanto Chairman and CEO Hugh Grant. The proposed acquisition would have created a huge seed and farm chemical company with business in the United States, Europe and Asia.

ASSOCIATED PRESS

New cloud formation discovery may lessen warming forecast WASHINGTON (AP) - A new discovery about how clouds form may scale back some of the more dire predictions about temperature increases caused by man-made global warming. That's because it implies that a key assumption for making such predictions is a bit off. "What this will do is slightly reduce and sharpen the projections for temperature during the 21st century," said researcher Jasper Kirkby. Nonetheless, he added, "We are definitely warming the planet." Kirkby works at the European Center for Nuclear Research, or CERN, near Geneva. He is the lead author of one of three studies on the topic released Wednesday by the journals Nature and Science. Essentially, the work reveals a previously unknown natural process that in a complex way creates atmospheric particles around which clouds form. The most common source of particles is air pollution, usually sulfuric acid from the burning of fossil fuels. There are also natural sources, but they have been considered far less important for cloud formation. The new work shows that a combination of cosmic rays from space and gases emitted by trees also creates particles, and then clouds, without man-made pollution. The scientists witnessed this in a cloud simulation chamber and from a Swiss mountaintop observatory more than two miles high (3.5 kilometers).

BLOOMBERG NEWS SERVICE

DuPont, Dow Getting What They Asked For: Tougher EPA Oversight Congress is about to send President Barack Obama the biggest overhaul of rules governing chemicals in four decades, a change sought by an industry that has faced a hodgepodge of retailer bans, consumer boycotts and state regulations. The Senate is likely to pass Thursday a revised Toxic Substances Control Act that would expand the Environmental Protection Agency's oversight of chemicals used in products such as spot cleaners and paint strippers. The chemical industry, including lobbyists for DuPont Co. and Dow Chemical Co., pushed for the legislation to provide companies with consistent rules to follow. "Chemical companies were finding their inability to satisfy their customers was starting to hurt their bottom line," Richard Denison, a senior

scientist at the Environmental Defense Fund, said in an interview. "It was becoming the Wild West out there, and they needed a sheriff." The Senate vote marks the final step in Congress for the bill, H.R. 2576, which was approved May 24 by the House, 403-12. The White House and the EPA support the measure, saying it will give regulators crucial authority to ensure that chemicals used in products, including household goods, are safe. The new measure marks the first overhaul of the Toxic Substances Control Act since it was enacted four decades ago. The EPA hasn't banned a chemical since a federal court struck down asbestos restrictions in 1991 because the agency didn't meet the existing law's standards.